IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Con.Case(C).No. 1402 of 2007(S)

AGAINST THE JUDGEMEN IN WPC.8601/2007

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PETITIONERS:

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1. **TITUS T.P.**,
   S/O. PAPPU,
   AGED 40 YEARS,
   THOZHUTHINKAL PADATHU HOUSE,
   P.O. PULLOOTT,
   CHAPPARA,
   KODUNGALLOOR.

2. UNNIKRISHNAN P.K.,
   S/O. KUMARAN,
   AGED 45 YEARS,
   PINDRUNKULATH HOUSE,
   P.O. PULLOOTT,
   CHAPPARA,
   KODUNGALLOOR.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.S.AMINA

RESPONDENTS:

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1. **K.V. SIVASANKARA VEERASAIVAN**,
   S/O. K.S. VELUKUTTY,
   AGED 54 YEARS,
   SECRETARY,
   THE KODUNGALLUR MUNICIPALITY,
   KODUNGALLUR.

2. P.A. GOPI,
MUNICIPAL CHAIRMAN,
KODUNGALLUR MUNICIPALITY,
S/O. PARASSERY ADIMA,
(AGE NOT KNOWN),
PARASSERY HOUSE
P.O. PULLUT,
CHAPPARA,
KODUNGALLUR.

BY ADV. SRI.M.P.ASHOK KUMAR

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K.M. JOSEPH, J.

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Cont.Case (C) No.1402 of 2007

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Dated this the 14th day of November, 2007.

JUDGMENT

H.L.DATTU, CJ,

By consent of both the counsel, the matter is taken up for final hearing.

2. The complainant alleges that the respondents in the Contempt Case have deliberately disobeyed the orders and directions issued by this court in W.P.(C) 8601 of 2007 disposed of on 10th April, 2007.

3. The order passed by this Court is as under:

> "Learned counsel appearing for the Municipality submitted that expeditious steps have been taken for treatment of waste and garbage. It is also stated that effective steps are being taken to redress the grievances of the petitioner and other general public. In the circumstances, recording the stand of the Municipality, this writ petition is disposed of."

4. The complainant is of the view that though an undertaking was given by the learned counsel for the Municipality, no effective steps have been taken by the Municipality for treatment of waste and garbage. Therefore there is deliberate and willful disobedience of the orders and directions issued by this court.

5. The respondents have filed a detailed counter affidavit and along with that they also produced several documents to indicate that after the disposal of the writ petition, the respondents have taken effective steps for treatment of waste and garbage.

6. We have carefully perused the order passed by this court, the main allegations made in the Contempt Case and also the counter affidavit filed by the respondents.

7. We are satisfied that after disposal of the writ petition, the respondents have not only taken effective but also efficacious steps for treatment of waste and garbage as undertaken by them before this court at the time of disposal of the writ petition. In our opinion, there is no deliberate disobedience of the orders and directions issued by this court. This court can entertain a Contempt Petition when the respondents/contemners have deliberately disobeyed the orders and directions issued by this court. Since we have found that the respondents have not disobeyed the orders and directions issued by this court, the question of entertaining this Contempt Case would not arise. Therefore the contempt proceedings is dropped for the present. However, we reserve liberty to the petitioner to approach this court, if need arises, in future.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

sb.